REMARKS

Disposition of Claims:

Claims 1-7, 9-21, 24 and 25 are all the claims pending in the application and have been rejected.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-6, 9-16, 18-21 and 24-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krajewski (U.S. Patent Publication No. 20010004842) in view of Conkle (U.S. Patent No. 4,569,235). Further, claims 2 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krajewski and Conkle as applied to claims 1 and 10 above, and further in view of Stark (U.S. Patent No. 6,439,062). For the following reasons, Applicant respectfully traverses these rejections.

Applicant's comments below relate to the independent claims which each include the feature of an extension means between the flow sensor and the sample inlet such that the measuring is performed at a point remote from the sampling inlet, at or near ground level.

Firstly, referring to the Examiner's remarks at the first paragraph, top of page 3 of the Office Action, the Examiner comments correctly that sampling using an extension means is not disclosed in Krajewski. The examiner states that:

> *"Although inlet 5 of Krajewski can be fairly assumed to meet these limitations inherently, it is not discussed in detail".*

Just to clarify, inlet 5 of Krajewski is an air intake or inlet into a calibrator 6 — it is not an extension means between a sample inlet and flow sensor.

The examiner relies on Conkle to disclose the feature of the extension means and states that Conkle describes:

> *"The sampling inlet components 30 are discussed to sealably connect to samplers 24 via tubes 32. The entire device sits on ground level and the tubes provide extension between the sampling and the air inlet".*

Applicant has reviewed Conkle and the Examiner is incorrect in regard to the above interpretation of Conkle. Conkle describes a portable air sampler that is conveniently housed in a transportable container. The handle on the outside of the container (shown in Figure 1) suggests that the container is small enough to enable it to be carried by hand. Column 1, lines 62 to 63 refers to a "compact transportable container".

Inside the container there are a plurality of impinger connectors 30. At one end, the connectors 30 are connected via a "short length of Tygon tubing 26" (column 3, line 30) to respective impingers 24. Impingers 24 are utilized as media samplers.

The opposite end of each connector 30 is connected "by means of suitable Tygon tubing 32" (column 3, line 35) to a conventional solenoid actuated rotary valve 34. The rotary valve 34 is in turn connected to a vacuum pump 36 which is controlled by a flow rate control system 40. The flow rate is measured and controlled downstream of the connectors 30 and impingers 24.

The Examiner states that tubing 32 extends between the sampling inlet components 30 (connectors) and the samplers 24 (impingers). Tubing 32 does no such thing. It runs from the opposite end of the connectors 30 to the rotary valve 34.

In any event, a person skilled in the art would not consider tubing 32 as meeting the requirements of the present independent claims, particularly in the context of the present specification. It is not an "extension means" that enables remote, near ground level flow measurement. The entire system of Conkle is contained within a compact housing that wholly

rests on the ground. Accordingly, it is submitted that the Examiner obviousness rejection is unsupported in view of the prior art.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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